

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----
FRANCIS DIDONATO,

Plaintiff,

-against-

GC SERVICES LIMITED PARTNERSHIP, et al.,
Defendants.

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20 Civ. 2154 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on November 20, 2020, Defendants filed a pre-motion letter in anticipation of a motion to compel Plaintiff to respond to Interrogatory No. 8 of GC Services LP's Third Set of Interrogatories to Plaintiff, which requests that Plaintiff "[p]rovide the current mailing address, telephone number and email address for Anita Durst, the person identified in [Plaintiff's] deposition on November 2, 2020," and "if current information is unknown," that Plaintiff "provide [Ms. Durst's] last known mailing address, telephone number, and email address," ("Interrogatory No. 8"). Dkt. No. 73.

WHEREAS, Defendants' pre-motion letter indicates that during Plaintiff's deposition on November 2, 2020, he testified that "the alleged wrongful collection attempts interfered with and ultimately terminated his relationship with his former girlfriend, Anita Durst." Dkt. No. 73.

WHEREAS, on November 24, 2020, Plaintiff filed a responsive letter to Defendants' November 20, 2020, pre-motion letter. Dkt. No. 75. It is hereby


ORDERED, that Defendants' November 20, 2020, pre-motion letter is construed as a motion to compel. For substantially the reasons in Defendants' motion to compel, it is hereby

ORDERED, that by **December 4, 2020**, Plaintiff shall either (i) provide Defendants with Ms. Durst's contact information or last known contact information in response to Interrogatory No. 8, or (ii) file a stipulation agreeing not to raise any alleged impacts on his relationship with Ms. Durst as a component of his actual damages and not to identify Ms. Durst as a witness who could corroborate his emotional distress claim (the "Stipulation"). It is further,

ORDERED, that if Plaintiff files the Stipulation, Defendants may not subpoena Ms. Durst, as such discovery would be unduly invasive and not proportional to the needs of the case.

The Clerk of Court is respectfully directed to close Docket No. 73.

Dated: November 25, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE